



Paper No. 10

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MAIL

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:)
Dennis RUBEN et al.)
Application No.: 09/466,282)
Filed: December 17, 1999)
For: METHOD OF AND SYSTEM FOR)
LABELING OF PRESCRIBED)
MEDICINE)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision in response to the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment filed October 17, 2002.

The petition is **GRANTED**.

This application was held abandoned for failure to file a timely response to the Office action of mail date March 13, 2002. A Notice of Abandonment was not yet mailed.

In support of the petition, Applicant asserts that the Office action was not received, and that no record of the Office action was found in the Attorney's file for this application. Petitioner supplies a copy of the docket record for the PCT application number PCT/US00/34242 showing the first two Office actions docketed for replies three months from receipt (respectively April 30, 2001 and January 9, 2002) and states that this is where the record would have been entered in the firm's docketing system. The docket record shows no entry indicating receipt of the Office action mailed March 13, 2002.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has met the criteria of set out in MPEP 711.03(c) for establishing failure to receive an Office action.

For the above, the petition is **GRANTED**. The abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff. The Office action of March 13, 2002 will be remailed to the address noted above with the three month Shortened Statutory Period restarted to run from the date of the remailing.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", is written over a horizontal line.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Security, Architecture and Software